



# Public Agenda Briefing Forum

9 July 2024

# Our Vision



## Connected Communities, Valuing Nature and Creating our Future Together

### Core Values

**Service:** We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

**Professionalism:** We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

**Quality:** We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

### Aspirational Values

**Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

**Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

**Innovation:** We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

**Our simple guiding principle will be to ensure everything we do will make the City of Kalamunda socially, environmentally and economically sustainable.**

[kalamunda.wa.gov.au](http://kalamunda.wa.gov.au)



## INFORMATION FOR THE PUBLIC ATTENDING PUBLIC AGENDA BRIEFING

Agenda Briefing Forums will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. **The Briefing Session will be held at the City of Kalamunda commencing at 6.30pm.**

Agenda Briefing Forums will provide the opportunity for Elected Members to be informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Council Meeting for formal consideration and decision.

### Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

### Emergency Procedures

**Please view the position of Exits, Fire Extinguishers and Outdoor Assembly Area as displaced on the wall of the Council Chambers.**

**In case of an emergency follow the instructions given by City Staff.**

**Please remain at the assembly point until advised it is safe to leave.**

## **Webcasting Notice**

Please note that tonight's meeting, other than the confidential sessions, are being recorded and live streamed.

All in attendance and those addressing Council should refrain from making offensive/defamatory statements as there may be legal implications.

Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

### PROCEDURES FOR PUBLIC AGENDA BRIEFING FORUMS

The following procedures will apply to all Public Agenda Briefing Forums conducted by the City of Kalamunda:

- a. Public Agenda Briefing Forums will be open to the public matters of a confidential nature will not be presented. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995* (WA).
- b. Dates and times for Public Agenda Briefing Forums will be set more than one (1) week in advance where practicable, and appropriate notice given to the public.
- c. The Chief Executive Officer will ensure timely written notice and an agenda for each Public Agenda Briefing Forum will be provided to all Elected Members, members of the public and external advisors (where appropriate).
- d. Ordinarily, the Mayor is to be the Presiding Member at Public Agenda Briefing Forums. However, should Elected Members wish to rotate the role of Presiding Member for a particular meeting, those Elected Members present may select, by consensus, a Presiding Member for the relevant Public Agenda Briefing Forum from amongst themselves to preside at that Public Agenda Briefing Forum.
- e. Relevant employees of the City of Kalamunda will be available to make presentation or respond to questions on matters listed on the agenda for the Public Agenda Briefing Forum.
- f. All Elected Members will be given a fair and equal opportunity to participate in the Public Agenda Briefing Forum.
- g. The Presiding Member will ensure time is made available to allow for all matters of relevance to be covered.
- h. Elected Members, employees and relevant consultants shall disclose their interests on any matters listed for the Public Agenda Briefing Forum. When disclosing an interest, the following is required:
  - i. Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the *City's Code of Conduct*.
  - ii. Elected Members disclosing a financial interest will not participate in that part of the forum relating to the matter to which their interest applies and shall depart the room.
  - iii. Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- i. Minutes shall be kept of all Public Agenda Briefing Forums. As no decisions are made at a Public Agenda Briefing Forum, the minutes need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the minutes is to be attached to the following Ordinary Council Meeting for Council of the preceding forum.
- j. At any Public Agenda Briefing Forum, Elected Members may foreshadow a request to the Chief Executive Officer for the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Public Agenda Briefing Forum.
- k. Requests of this nature may not be accepted by the Chief Executive Officer at forums, but instead, Elected Members wishing to formalise such a foreshadowed request, shall submit a Notice of Motion to that effect to the Chief Executive Officer in accordance with the *City's Standing Orders Local Law 2015 (City's Standing Orders)*.

## PROCEDURES FOR PUBLIC QUESTION TIME

### Questions Asked Verbally

Members of the public are invited to ask questions at Public Agenda Briefing Forums.

- a. Questions asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- c. Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- d. Statements are not to precede the asking of a question during public question time. Statements should be made during public submissions.
- e. Members of the public are encouraged to keep their questions brief to enable others who desire to ask a question to have the opportunity.
- f. Public question time will be allocated a minimum of 30 minutes. Public question time is declared closed following the expiration of the allocated 30 minute time period, or earlier if there are no further questions.
- g. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 50 minutes in total.
- h. Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory to any particular Elected Member or City of Kalamunda employee.
- i. The Presiding Member shall decide whether to:
  - i. accept or reject any question and his/her decision shall be final;
  - ii. nominate a City of Kalamunda employee to respond to the question (who make take such question on notice in which case, provision of a response shall be in accordance with the City's Standing Orders); or
  - iii. take a question on notice (in which case, a written response will be provided as soon as possible and included in the agenda of the next Ordinary Council Meeting).
- j. Where an Elected Member is of the opinion that a member of the public is:
  - i. asking a question at a Public Agenda Briefing Forum that is not relevant to a matter listed on the agenda; or
  - ii. making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- k. Questions and any responses will be summarised and included in the minutes of the meeting.
- l. It is not intended that question time should be used as a means to obtain information that would not otherwise be made available if the information was sought from the City's records under Section 5.94 of the *Local Government Act 1995 (WA) (LG Act)* or the *Freedom of Information Act 1992 (FOI Act)*.
- m. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City of Kalamunda and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

### PROCEDURES FOR PUBLIC STATEMENT TIME

- a. Members of the public are invited to make statements at Briefing Forums.
- b. Statements made at a Briefing Forum must relate to a matter contained in the agenda.
- c. A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and full address.
- d. Public Statement Time will be limited to two (2) minutes per member of the public.
- e. Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- f. Public Statement Time will be allocated a maximum time of ten (10) minutes. Public Statement Time is declared closed following the ten (10) minute allocated time period, or earlier if there are no further statements.
- g. Statements are to be directed to the Presiding member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City of Kalamunda employee.
- h. Where an Elected Member is of the opinion that a member of the public is make a statement at a Briefing Forum that is not relevant to a matter listed on the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- i. A member of the public attending a Briefing Forum may present a written statement rather than make the statement verbally if he or she so wishes.
- j. Statements will be summarising and included in the notes of the Briefing Forum.

### Questions in Writing

- a. Questions must relate to a matter contained in the Agenda Briefing Forum agenda.
- b. The City will accept a maximum of five written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- c. Questions lodged by the close of business on the working day immediately prior to the scheduled Agenda Briefing Forum will be responded to, where possible, at the Agenda Briefing Forum. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- d. The Presiding Member shall decide to accept or reject any written question and his/her decision shall be final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- e. The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- f. Written questions unable to be responded to at the Public Agenda Briefing Forum will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Ordinary Council Meeting.
- g. A person who submits written questions may also ask questions at a Public Agenda Briefing Forum and questions asked verbally may be different to those submitted in writing.
- h. Questions and any response will be summarised and included in the minutes of the meeting.
- i. It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of LG Act or the FOI Act.

- j. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer will determine that it is an unreasonable impost upon the City and may refuse to provide it. The Chief Executive Officer will advise the member of the public that the information may be sought in accordance with the FOI Act.

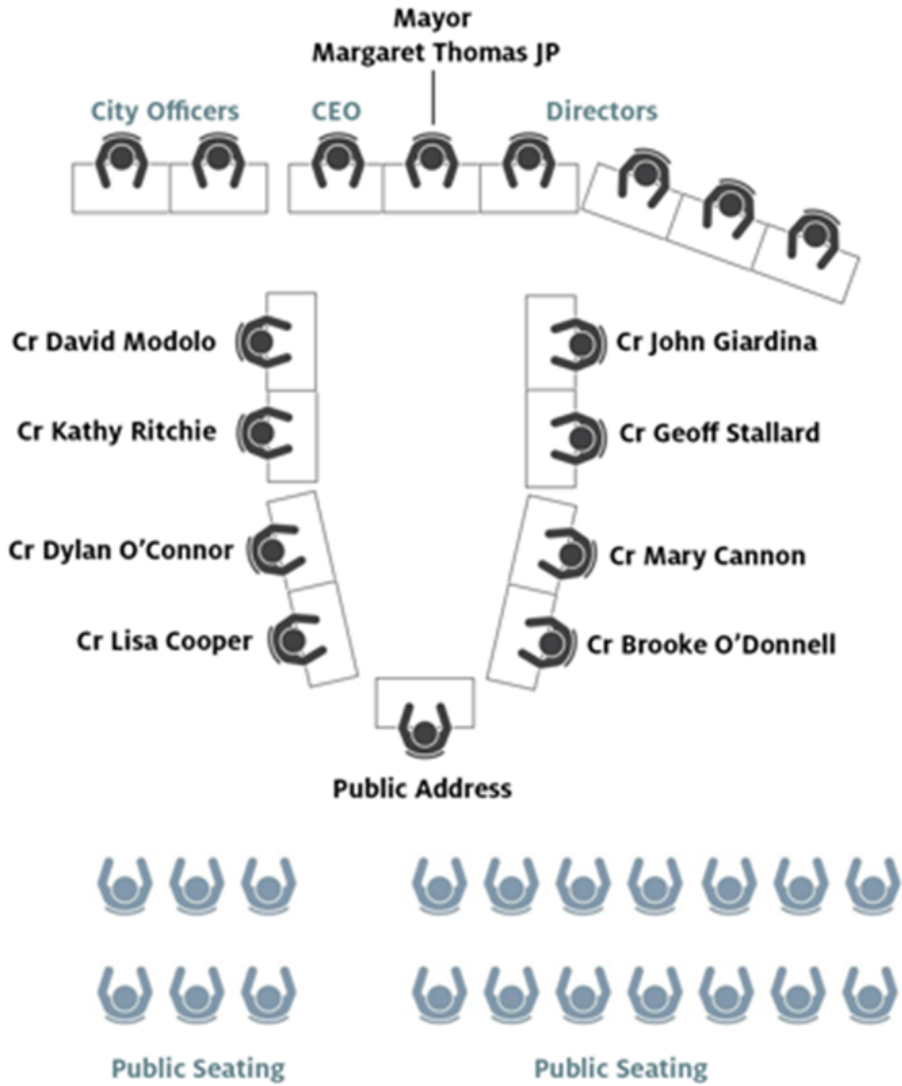
### **Questions of Clarification**

Members of the public may ask questions of clarification at Public Agenda Briefing Forums.

- a. Questions of clarification asked at a Public Agenda Briefing Forum must relate to a matter contained on the agenda.
- b. Questions of clarification will be limited to two (2) minutes per member of the public, with a limit of two (2) verbal questions per member of the public.
- c. The period at which members of the public may ask questions of clarification must follow the presentation of reports.
- d. Statements are not to precede the asking of a question of clarification. Statements should be made during public submissions.
- e. The period for questions of clarification will be allocated a minimum of 15 minutes. This time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 5 minutes, but the total time allocated for public question time is not to exceed 30 minutes in total.
- f. Questions of clarification will otherwise be governed by the same requirements and procedures as set out above from 5.1(i) to 5.1(n).



## Council Chambers Seating Plan



## INDEX

|  |           |
|--|-----------|
| <b>1. Official Opening.....</b>  | <b>11</b> |
| <b>2. Attendance, Apologies and Leave of Absence .....</b>   | <b>11</b> |
| <b>3. Declarations of Interest .....</b>   | <b>11</b> |
| <b>4. Announcements by the Member Presiding Without Discussion .....</b>   | <b>11</b> |
| <b>5. Public Question Time .....</b>   | <b>11</b> |
| <b>6. Public Statement Time .....</b>  | <b>11</b> |
| <b>7. Public Submissions Received in Writing .....</b>   | <b>11</b> |
| <b>8. Petitions Received.....</b>  | <b>11</b> |
| <b>9. Confidential Items Announced But Not Discussed .....</b>   | <b>11</b> |
| <b>10. Reports to Council.....</b>   | <b>12</b> |
| <b>10.1. Development Services Reports .....</b>  | <b>12</b> |
| 10.1.1. Local Planning Scheme / Strategy Status and Project Plan .....   | 12        |
| <b>10.2. Asset Services Reports .....</b>  | <b>23</b> |
| <b>10.3. Corporate Services Reports .....</b>  | <b>23</b> |
| <b>10.4. Community Engagement Reports.....</b>   | <b>23</b> |
| 10.4.1. South West Native Title Settlement - City of Kalamunda Comments on Land Base<br>Consultation - Land List 1459..... | 23        |
| <b>10.5. Office of the CEO Reports .....</b>   | <b>30</b> |
| <b>11. Closure .....</b>   | <b>30</b> |

**1. Official Opening**

**2. Attendance, Apologies and Leave of Absence**

**3. Declarations of Interest**

**3.1. Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
  
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

**3.2. Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

**4. Announcements by the Member Presiding Without Discussion**

**5. Public Question Time**

Public questions will be allowed and received following the presentation of the report.

**6. Public Statement Time**

Public statements will be allowed and received following the presentation of the report.

**7. Public Submissions Received in Writing**

**8. Petitions Received**

**9. Confidential Items Announced But Not Discussed**

**9.1** Item 10.1.1 Local Planning Scheme / Strategy Status and Project Plan –  
**Confidential Attachment** - Strategy Scheme Project Plan 2024

*Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (c) - "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."*

## 10. Reports to Council


### 10.1. Development Services Reports

#### 10.1.1. Local Planning Scheme / Strategy Status and Project Plan

*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

|                |                                       |
|----------------|---------------------------------------|
| Previous Items | OCM 17/2024                           |
| Directorate    | Development Services                  |
| Business Unit  | Strategic Planning, Approval Services |
| File Reference | 3.009297, 3.010449; 3.010504          |
| Applicant      | NA                                    |
| Owner          |                                       |
| Attachments    | Nil                                   |

#### TYPE OF REPORT

|   |   |
|---|---|
| Advocacy  | When Council is advocating on behalf of the community to another level of government/body/agency  |
| Executive   | When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)  |
| Information   | For Council to note   |
|  Legislative | Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal. |

#### STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing - Strategic Community Plan to 2031*

##### **Priority 1: Kalamunda Cares and Interacts**

**Objective 1.2** - To provide a safe and healthy environment for community to enjoy.

**Strategy - 1.2.1** Facilitate a safe community environment.

**Strategy - 1.2.3** Provide high quality and accessible recreational and social spaces and facilities.

### **Priority 1: Kalamunda Cares and Interacts**

**Objective 1.3** - To support the active participation of local communities.

**Strategy 1.3.1** - Support local communities to connect, grow and shape the future of Kalamunda.

### **Priority 2: Kalamunda Clean and Green**

**Objective 2.1** - To protect and enhance the environmental values of the City.

**Strategy 2.1.1** - Implementation of the Local Environment Strategy

**Strategy 2.1.2** - Development and Implementation of the Urban Forest Strategy.

**Strategy 2.1.3** - Development and implementation of the Local Biodiversity Strategy

**Strategy 2.1.4** - Increasing and protecting local biodiversity and conservation, wherever possible, through integrating ecosystem and biodiversity protection into planning processes including schemes policies and strategies.

### **Priority 3: Kalamunda Develops**

**Objective 3.1** - To plan for sustainable population growth.

**Strategy 3.1.1** - Plan for diverse and sustainable activity centres, housing, community facilities and industrial development to meet future growth, changing social, economic and environmental needs.

### **Priority 3: Kalamunda Develops**

**Objective 3.2** - To connect community to key centres of activity, employment and quality amenities.

**Strategy 3.2.3** - Provide and advocate for improved transport solutions and better connectivity through integrated transport planning.

### **Priority 3: Kalamunda Develops**

**Objective 3.3** - To develop and enhance the City's economy.

**Strategy 3.3.1** - Facilitate and support the success and growth of businesses.

**Strategy 3.3.2** - Attract and enable new investment opportunities.

**Strategy 3.3.3** - Plan for strong activity centres and employment areas to meet the future needs of the community, industry, and commerce.

### **Priority 3: Kalamunda Develops**

**Objective 3.4** - To be recognised as a preferred tourism destination.

**Strategy 3.4.1** - Facilitate, support and promote, activities and places to visit.

**Strategy 3.4.2** - Advocate and facilitate Agri Tourism opportunities for rural properties to flourish.

### **Priority 4: Kalamunda Leads**

**Objective 4.2** - To proactively engage and partner for the benefit of community.

**Strategy 4.2.1** - Actively engage with the community in innovative ways.

**Strategy 4.2.2** - Increase advocacy activities and develop partnerships to support growth and reputation.

## **EXECUTIVE SUMMARY**

1. The purpose of this report is to present the Local Planning Strategy and Local Planning Scheme No. 4 Project Plan (2024 Update) to Council for support, including stages and anticipated timeframes.
2. This report is also presented to Council to note the expected resources as detailed in the project plan for the 2024/25 Financial year, including funding for employment of a dedicated Project Manager as noted in the draft 2024/25 Budget.
3. The Project Plan (2024 Update) has been presented as a Confidential Attachment to seek Council's support, with a final Project Plan to be tabled at a future meeting as a public document.
4. It is recommended that Council note the Project Plan 2024 Update and requests the Chief Executive Officer to present a Local Planning Scheme No. 3 Scheme Review Report by no later than September 2024, as a first formal step in the process to prepare a new local planning strategy and local planning scheme.

## **BACKGROUND**

5. The City of Kalamunda (City) is required to have an up-to-date, and relevant local planning scheme, to facilitate and control land use, growth and development across the municipal district. The scheme must be informed by a current local planning strategy, consistent with and addressing implementation of relevant legislation, the State Planning Framework and City's Corporate and Planning Frameworks.
6. The City's Local Planning Strategy was adopted by Council in 2011 and approved by the Western Australian Planning Commission (WAPC) in 2013, with an expected 20-year timeframe up to 2031. Notwithstanding that the current Strategy is in the thirteenth year of operational life, a substantial review is considered necessary to ensure alignment with current regulatory requirements, contemporary planning principles, and the State Government Agenda for Planning Reform.

7. Pursuant to the Planning Regulations a local government must carry out a review of its operational local planning scheme every five years, and consider whether the scheme is up-to-date and complies with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations), and the broad planning regulatory and policy frameworks.
8. The City's Local Planning Scheme No. 3 (LPS3) was gazetted in March 2007 and in operation now for over 17 years. A review of LPS3 is required and preparation of a new local planning scheme likely to provide the City with necessary standards for planning and development control throughout the municipal district.
9. In 2017, the City commenced a preliminary review of the Local Planning Strategy 2013 and sub-strategies, with the aim to have the Local Planning Strategy adopted in 2021, however this timeframe was unable to be met due to resourcing other priorities. The following sub-strategies: Public Open Space Strategy (adopted in 2018); Industrial Development Strategy (adopted in 2018); Environmental Land Use Planning Strategy (adopted in 2019); Activity Centres Strategy (adopted March 2021); Local Housing Strategy (adopted July 2021); Urban Forest Strategy (adopted August 2023); and Local Biodiversity Strategy (adopted September 2023) were adopted during this period.
10. Preliminary review of Local Planning Scheme No. 3 was undertaken between 2021 and 2022, including preliminary engagement with the Department of Planning Lands and Heritage (DPLH), however progress stalled due to resourcing and other priorities.
11. At a Council Strategy Session in May 2023 a presentation provided a status update the local planning strategy and scheme review process, identifying the following key action areas:
  - a) Key Action 1 - Local Planning Scheme No. 4
  - b) Key Action 2 - Housing
  - c) Key Action 3 - Activity Centres
  - d) Key Action 4 - Rural
  - e) Key Action 5 - Tourism
  - f) Key Action 6 - Heritage
12. Additional work following the May 2023 update has been limited only to drafting preliminary strategy maps, consideration of State planning reform changes, and finalisation of environmental sub-strategies.



13. The project and preliminary work to date requires further review and alignment with the WAPC's Local Planning Strategy Guidelines, released in October 2021 and reviewed in March 2023, which provides clear and consistent guidance for the preparation of a local planning strategy.
14. The WAPC has also released the Consistent Local Planning Schemes Report in May 2024. The project can have regard to the recommended changes, particularly in regard to zoning, reserves, land use permissibility, and land use definitions.
15. Most recently, Council at the Ordinary Meeting held on 28 March 2024, in determining Item 10.1.1 (Funeral Parlour and Offices – Lot 192 (326) Hale Road, Wattle Grove) resolved (in part):  
  
*"OCM 18/2024:*  
  
*3. REQUEST the Acting Chief Executive Officer bring a report to the Council by June 2024 with a progress update and project plan for the preparation of a new local planning strategy and concurrent local planning scheme.*  
  
*4. COMMIT appropriate funds to list for consideration as part of the 2024/25 Budget preparation process funds to undertake the preparation of a new Local Planning Strategy and Local Planning Scheme."*

## **DETAILS AND ANALYSIS**

16. Project Plan (2024 Update)  
  
A Project Plan (2024 Update) has been prepared to address Council's resolution and for Council to note the approach, resourcing implications for 24/25, and estimated timeframes. The document will be reviewed and amended in response to any changes in objectives, directions or actions during the project life cycle. The Project Plan is included as Confidential Attachment to this report.
17. Project Outcomes and Objectives  
  
The proposed project has three key outcomes being a new Local Planning Strategy, new Local Planning Scheme No. 4 (LPS4), and the Local Planning Framework Review, with the objectives listed below.
18. Local Planning Strategy Objectives:
  - a) Establish the basis for preparing a new local planning strategy.
  - b) Consider the existing State Planning Framework for presentation in one concise source of information.
  - c) Ensure alignment between the strategies and actions and the LPS4.

- d) Foreshadow any further investigations and major future amendments to LPS4.

19. Local planning scheme no. 4 objectives are to ensure:

- a) The provisions and mapping of LPS4 reflect the core legislative requirements and relevant state planning framework.
- b) The provisions and mapping of LPS4 reflect the recommendations of the local planning strategy.
- c) LPS4 has due regard to the priorities and aspirations from strategic community plan.
- d) LPS4 normalises zoning of developed areas.
- e) Local planning policies support LPS4 and operational considerations.
- f) LPS4 exemplifies a contemporary approach to deal with planning matters.

20. Local planning framework review objectives are to ensure:

- a) Zoning, development progression and approval status of structure plan areas are reviewed and fit for purpose.
- b) Zoning, development progression and approval status of local development plan areas are reviewed and fit for purpose.
- c) Local planning policies are consistent with state planning framework, and exemplify the contemporary policy approach to deal with planning matters.

21. Project Plan Stages

The overall project schedule has been divided into six stages, excluding the preliminary stage capturing work completed to date, as follows:

| <b>Stage</b>                                 | <b>Forecast Completion Date</b> |
|--|---------------------------------|
| Preliminary Project Planning                 | June 2024                       |
| Stage 1 - Local Planning Scheme No. 3 Review | January 2025                    |
| Stage 2 - Background and Analysis            | December 2024                   |
| Stage 3 - Community Visioning Engagement     | April 2025                      |
| Stage 4 - Local Planning Strategy            | December 2026                   |
| Stage 5 - Local Planning Scheme No. 4        | June 2027                       |
| Stage 6 - Local Planning Framework Review    | August 2027 *                   |
|  | * plus ongoing                  |

It should be noted that the timing of the various stages, and the processes within each stage, is predicated on the continued availability of resources and, to a large extent, the ability of external agencies to meet agreed and/or statutory timeframes. Please note that the above indicative timeframes are subject to the discretion and approval of the Department of Planning, Land and Heritage (DPLH).

22. Stage 1 – Local Planning Scheme No. 3

Review of the current Local Planning Strategy (2013) and Local Planning Scheme No. 3 for preparation of a Scheme Review Report, including a high-level review of the State Planning Framework and Local Planning Framework. Significant work has already been undertaken to identify the key issues and planning rationale for preparation of a new local planning scheme and this formal step is required in accordance with the Planning Regulations.

23. It is proposed to submit a Scheme Review Report to Council by September 2024 for a resolution, and then to seek certification from the WAPC, to formally begin the process to prepare a new Local Planning Strategy and Local Planning Scheme No. 4 for the whole municipal district.

24. Stage 2 – Background Information and Analysis

Noting preliminary work has already been undertaken, detailed research and analysis of background information and major issues relevant to future planning and development of the City is necessary, including identified themes of community, urban growth and settlement, economy and employment, environment, and infrastructure.

25. A detailed review of the State Planning Framework including State Planning Policies will be undertaken. This stage will include a review of feedback from relevant government agencies, a review of rural planning issues including findings from the Pickering Brook Taskforce, a gaps analysis of current sub-strategies and strategic plans, zoning of developed land, foreshadowing future strategies and actions, and mapping. Ultimately this stage will consolidate and clarify directions and actions relevant to the new Local Planning Strategy and Local Planning Scheme No. 4.

26. Stage 3 - Community Visioning Engagement

A key component of the 2023 Update was advising Council that community engagement had already occurred through the theme specific planning sub-strategies, and Kalamunda Advancing – Strategic Community Plan (adopted 2021). The risks of engagement fatigue and reduced effectiveness were highlighted, and general agreement reached to not undertake further preliminary consultation.

27. Given the passing of time since public advertising and adoption of the supporting strategies, changes to the State Planning Framework, and significant recent public interest shown for a variety of planning areas and issues, the Project Plan includes a Community Visioning Engagement stage. Appointment of an external specialist is proposed to facilitate a series of Community Visioning Neighbourhood Workshops in early 2025, and workshops with Council, to establish the vision and objectives to inform the Local Planning Strategy.
28. **Stage 4 – Local Planning Strategy**
- Based on the vision and objectives established in Stage 3, a draft Local Planning Strategy is to be prepared consisting of Part 1 (Strategy) and Part 2 (Background Information and Analysis), to replace the current Local Planning Strategy (2013). Workshops with Council, and consultation with DPLH will be necessary, with the draft strategy to be presented to Council by October 2025, and then to the WAPC for consent to advertise.
29. A formal public consultation process is to be undertaken in early 2026, with the submissions presented to Council for support, with or without modifications, then presented to the WAPC, with final approval anticipated for late 2026.
30. **Stage 5 – Local Planning Scheme No. 4**
- Subject to Council's adoption of the draft Local Planning Strategy for advertising and consent of the WAPC, drafting of LPS4 text and mapping is to be undertaken. This will include a review of, and alignment with, the Model Provisions and Deemed Provisions of the Planning Regulations, and a further review of the State Planning Framework. Internal and external workshops/referrals will be conducted as required, with the review work addressing the directions, actions, planning areas and mapping from the strategy.
31. Finalising the draft LPS4 is to follow Council's post-advertising support for the draft Local Planning Strategy, with the draft LPS4 text and mapping to be presented to Council in approximately April 2026. Draft LPS4 is then to be referred to the WAPC and the EPA prior to formal advertising in late 2026, with submissions and final report to be considered by Council in early 2027. Final steps will need to include any environmental conditions or modifications required by the EPA, WAPC and/or the Minister for Planning. This can be undertaken in early to mid-2027, with final approval from the Minister for Planning by June 2027.
32. **Stage 6 – Local Planning Framework Review**

For development areas subject to a structure plan and/or a local development plan, ongoing review of development progress and zoning of is to continue, to identify the need to revoke or retain the plans, with or without modifications, or seek extended approval periods from the WAPC in consultation with the DPLH. A Structure Plan and Local Development Plan Normalisation Report is to be presented to Council in August 2025 with recommendations, actions and timeframe, for implementation by October 2025. Review and action will be necessary for the life of the project, including ongoing review and actions as necessary.

33. A review of all local planning policies is necessary to ensure consistency with the state Planning Framework and contemporary principles, to support implementation of the new local planning strategy and LPS4. A local planning policy review is to be presented to Council by November 2026, followed by public and agency consultation, and a final report presented to Council by August 2027 to coincide with planned adoption of LPS4.
34. The majority of the project is to be undertaken by the City's Administration staff, including appointment of a new Project Planner as the Project Lead and support by a broad Project Team. External consultants and specialists will be engaged as required through normal procurement processes,

#### **APPLICABLE LAW**

35. *Planning and Development Act 2005*
36. *Planning and Development (Local Planning Schemes) Regulations 2015*
37. City of Kalamunda Local Planning Scheme No. 3

#### **APPLICABLE POLICY**

38. Western Australian Planning Commission State Planning Policies
39. Western Australian Planning Commission Development Control/Operational Policies
40. City of Kalamunda Local Planning Polices

## **STAKEHOLDER ENGAGEMENT**

41. Noting preliminary engagement with the DPLH has been undertaken, further advice may be necessary in preparing the Scheme Review Report during Stage One of the Project Plan. Please note that the above indicative timeframes are subject to the discretion and approval of the Department of Planning, Land and Heritage (DPLH).
42. Formal requirements for community consultation for the preparation of a local planning strategy and local planning scheme are contained in Part 3 of the Planning Regulations. No formal advertising is recommended as an outcome of this report.
43. Stage Three of the project plan includes an extensive community visioning engagement process including a series of community visioning neighbourhood workshops, convened by an engagement consultant. A Community Engagement Plan is to be developed for further consideration by Council.
44. Formal community consultation is to occur within Stages Four, Five and Six of the project, to respectively to inform preparation of a new Local Planning Strategy, Local Planning Scheme No. 4, and review of the Local Planning Framework. Additional resources will be required to support the consultation activities throughout the project.

## **FINANCIAL CONSIDERATIONS**

45. The Local Planning Strategy and Local Planning Scheme No. 4 project is to be undertaken as a cross-functional in-house project, with most costs to be met through the Development Services annual budget.
46. Allocated as part of the 2024/25 budget, approximately \$125,000 was allocated to enable the Internal Resourcing (a Project Manager) to enable the progression, planning and resourcing of the project. An indicative value was identified in the 2024/25 budget deliberations.
47. Finalisation of the draft project plan occurred after the City's budget development and progression. The attached project plan recognises that an additional \$125,000 of forecast expenditure would be required to best support achievement of the project deliverables, however, this may occur through redeployment of internal resources (eg Community engagement and consultation) to help achieve project deliverables.

- 48. Subject to recruitment of the project manager (project planner and their skills and capabilities), a refined project budget, supporting documents and programming will be developed and progressed through future City budget reviews.
- 49. While documentation and development (Phases 1-5) can be reasonably be programmed, securing finalisation of the project and relevant State government approvals may take longer than forecast / anticipated. Funding for subsequent years of the project requires further analysis and refinement, with more detailed resourcing requirements to be submitted to Council with the Scheme Review Report at a future meeting.

**SUSTAINABILITY**

- 50. **Social Implications**  
Implementation of the Project Plan will contribute to achieving social and cultural objectives of Kalamunda Advancing, plus objectives and actions from Kalamunda Achieving and supporting sub-strategies such as Local Housing Strategy and Community Engagement Strategy.
- 51. **Economic Implications**  
Implementation of the Project Plan will contribute to achieving economic and employment objectives of Kalamunda Advancing, plus objectives and actions from Kalamunda Achieving and supporting sub-strategies such as the Activity Centres Strategy and the Tourism Development Strategy.
- 52. **Environmental Implications**  
Implementation of the Project Plan will contribute to achieving environmental and sustainability objectives of Kalamunda Achieving, plus objectives and actions from Kalamunda Advancing and supporting sub-strategies including the Local Biodiversity Strategy and the Urban Forest Strategy.

**RISK MANAGEMENT**

|     |   |                   |               |
|-----|---|-------------------|---------------|
| 53. | <b>Risk:</b> Project timeframe is extended resulting in delay to City process timeline.   |                   |               |
|     | <b>Consequence</b>  | <b>Likelihood</b> | <b>Rating</b> |
|     | Possible  | Moderate          | Medium        |
|     | <b>Action/Strategy</b>  |                   |               |
|     | 1. Project management plan and timeframes developed.<br>2. Early engagement with WAPC on matters which may be subject to detailed assessment. |                   |               |

54.

|  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> User groups not informed of progression of the Strategy and Scheme resulting in disengagement or dissatisfaction.   |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Possible   | Moderate          | Medium        |
| <b>Action/Strategy</b>   |                   |               |
| <ol style="list-style-type: none"> <li>1. All users informed of scope and timeframe of project, and are supportive of approach.</li> <li>2. Project updates provided upon completion of major milestones.</li> <li>3. Invitation to consultation sessions provided early.</li> </ol> |                   |               |

55.

|  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> Lack and / or loss of resources resulting in delays to the project.   |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Possible   | Moderate          | Medium        |
| <b>Action/Strategy</b>   |                   |               |
| <ol style="list-style-type: none"> <li>1. All users informed of scope and timeframe of project, and are supportive of approach.</li> <li>2. Project updates provided upon completion of major milestones.</li> <li>3. Invitation to consultation sessions provided early.</li> </ol> |                   |               |

56.

|  |                   |               |
|--|-------------------|---------------|
| <b>Risk:</b> Community expectations are raised and not realised, resulting in reputational damage to the organisation through undertaking project, resulting in increased pressure on City to deliver and finance projects.  |                   |               |
| <b>Consequence</b>   | <b>Likelihood</b> | <b>Rating</b> |
| Possible   | Moderate          | Medium        |
| <b>Action/Strategy</b>   |                   |               |
| <ol style="list-style-type: none"> <li>1. All users informed of scope and timeframe of project, and are supportive of approach.</li> <li>2. Project updates provided upon completion of major milestones.</li> <li>3. Invitation to consultation sessions provided early.</li> </ol> |                   |               |

**CONCLUSION**

57. The Local Planning Strategy and Local Planning Scheme No. 4 Project Plan (2024 Update) is presented to Council for consideration, in satisfying Council Resolution OCM 18/2024 for an update and commitment to funding for preparation of a new local planning strategy and concurrent local planning scheme.



58. It is recommended that Council note the Project Plan 2024 Update and directs the Chief Executive Officer to present a Local Planning Scheme No. 3 Scheme Review Report by September 2024, as a first formal step in the process to prepare a new local planning strategy and local planning scheme.

|   |
|---|
| <b>Voting Requirements: Simple Majority</b> |
|---|

**RECOMMENDATION**

That Council SUPPORT the program and approach for the preparation of the Local Planning Strategy and Local Planning Scheme No. 4 Project Plan (2024 Update), as per the Confidential Attachment.

**10.2. Asset Services Reports**

No reports presented.

**10.3. Corporate Services Reports**

No reports presented.


**10.4. Community Engagement Reports**

**10.4.1. South West Native Title Settlement - City of Kalamunda  
Comments on Land Base Consultation - Land List 1459**

*Declaration of financial / conflict of interests to be recorded prior to dealing with each item.*

|                |   |
|----------------|---|
| Previous Items | OCM 31/2021; OCM 184/2022; OCM 24/2023; OCM 41/2023; OCM 131/2023 |
| Directorate    | Community Engagement  |
| Business Unit  | Economic & Cultural Services                                      |
| File Reference | 3.000738  |
| Applicant      | Department of Planning, Lands & Heritage                          |
| Owner          | State of Western Australia  |
| Attachments    | 1. Response Table Land List 1459 [ <b>10.4.1.1</b> - 2 pages]     |

**TYPE OF REPORT**

|   |  |
|---|--|
| Advocacy  | When Council is advocating on behalf of the community to another level of government/body/agency   |
|  Executive | When Council is undertaking its substantive role of direction setting and oversight (eg accepting tenders, adopting plans and budgets)   |
| Information   | For Council to note  |
| Legislative   | Includes adopting Local Laws, Town Planning Schemes and Policies. When Council determines a matter that directly impacts a person's rights and interests where the principles of natural justice apply. Examples include town planning applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal |

## STRATEGIC PLANNING ALIGNMENT

*Kalamunda Advancing Strategic Community Plan to 2031*

### Priority 1: Kalamunda Cares and Interacts

**Objective 1.2** - To provide a safe and healthy environment for community to enjoy.

**Strategy** - 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

### Priority 2: Kalamunda Clean and Green

**Objective 2.1** - To protect and enhance the environmental values of the City.

**Strategy 2.1.2** - Development and Implementation of the Urban Forest Strategy.

**Strategy 2.1.3** - Development and implementation of the Local Biodiversity Strategy

## EXECUTIVE SUMMARY

1. The purpose of this report is to consider the City of Kalamunda (City)'s proposed response to the Department of Planning, Lands and Heritage (DPLH)'s questions regarding land identified by the State Government (State) for possible transfer to the Noongar People as part of the South West Native Title Settlement (Settlement).
2. Reserve 6637, Lot 441 (1240) Canning Road, Canning Mills has been identified for potential transfer to the Noongar People.
3. It is recommended that Council:
  - a) note the request for information on the proposed transfer of the subject site to the Noongar People;
  - b) advise the DPLH of constraints and community values associated with the site for the DPLH's further consideration; and
  - c) advise the DPLH that the City requires the excision and dedication of a portion of the site as road for the purposes of providing a truncation.

## BACKGROUND

4. The Settlement is a landmark native title agreement reached between the State and the six Noongar Agreement Groups. The Settlement is comprised of six Indigenous Land Use Agreements (ILUAs) that provide for a broad range of commitments to be delivered by the State to the Noongar Regional Corporations and the Trustee for the Noongar Boodja Trust (Trustee).

5. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits.
6. The cornerstone commitment under the six ILUAs is the Noongar Land Estate, which will be a vast and diverse land holding. It will comprise:
  - a) up to 300,000 hectares transferred in reserve or leasehold; and
  - b) up to 20,000 hectares transferred in freehold.
7. All land will be held by a centralised Landholding Body, being the Noongar Boodja Land Sub Pty Ltd (Land Sub), a wholly owned subsidiary of the Trustee. The Trustee works consultatively with the Noongar Regional Corporations in determining land for possible inclusion in the Noongar Land Estate, including the preferred tenure of the land and the use / management / development of the land into the future. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.
8. Work to deliver the Noongar Land Estate commenced in March 2021, and a five-year implementation timeframe applies.
9. As the Noongar Land Estate will be predominantly drawn from the pool of unallocated Crown land and unmanaged reserves, the Minister for Lands is responsible for delivering this outcome on behalf of the broader State Government. The DPLH is the State Agency principally assisting the Minister for Lands. An agreed process for delivering the Noongar Land Estate was committed under the six ILUAs, being the Noongar Land Base Strategy (Strategy) at Annexure J to the ILUAs. Per the Strategy, the DPLH works in partnership with the Trustee to progress these significant land tenure outcomes.
10. The DPLH works in accordance with the *Land Administration Act 1997 (WA)*, including the requirement under section 14 to consult with local governments.
11. On 10 June 2024, the City received email correspondence from the DPLH requesting comment on the proposed transfer of Reserve 6637 to the Noongar People as part of the Settlement.
12. The City does not own or manage this parcel of land.
13. The questions the DPLH has asked the City in respect of this land parcel are:
  - a) Is the City supportive of the transfer of this land to the Noongar People under the Settlement?
  - b) Does the City have any interest in the land?

- c) Does the City have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
- d) Is the land parcel subject to any mandatory connection to services?
- e) Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
- f) Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
- g) Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
- h) Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
- i) Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

14. The City was requested to provide its comments by 22 July 2024. The DPLH has granted the City a short extension to enable the proposed transfer to be considered at the July 2024 Ordinary Council Meeting.

#### **DETAILS AND ANALYSIS**

15. The Future Blackspot Project Canning Mills Road – Safety Improvement ties in with Canning Road at this location. Design is preliminary but will be revisited in the future.
16. The heritage listed cobbled road extending along the edge of Canning Mills Road (300 metres) on the south side prevents construction inside the road reserve and pushes work closer to the site, making tree clearing near or inside the subject site crucial. Tree clearing and maintenance is vital for safe sight lines.
17. The City requires the excision and dedication of a portion of the lot as road to provide for a truncation (minimum 14 metres).
18. The subject site is considered to contain values that contribute towards the amenity of City residents.
19. The vegetation on the subject site appears to be established native vegetation and likely contains habitat for threatened fauna, such as black cockatoos and chuditch. The site may be perceived by the community to constitute a form of pseudo-public open space.

20. The City has identified potential environmental values on the subject site.
21. The clearing of the subject site for development purposes would not be consistent with the objectives of the City's Urban Forest Strategy and Local Biodiversity Strategy. However, given the substantial vegetation and habitat in the surrounding area, development of the site would be unlikely to result in a significant environmental impact. A use of the site consistent with the retention, protection and management of the site's environmental values is preferred.
22. Any proposed use or development may be subject to community consultation and Council determination.
23. The site is zoned Rural under the Metropolitan Region Scheme. The City has a preference to have the site reserved to Parks and Recreation under the Metropolitan Region Scheme.
24. The City's mapping system data indicates that the subject site is not classified as contaminated. Please note the Department of Water and Environmental Regulation may hold more current or additional information not available to the City.
25. The City's proposed responses to the DPLH questions in respect of the subject site are contained in the Response Table (Attachment 1).

#### **APPLICABLE LAW**

26. *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016 (WA).*
27. *Land Administration Act 1997 (WA).*
28. *Local Government Act 1995 (WA).*
29. *Environment Protection and Biodiversity Conservation Act 1999 (Cth).*

#### **APPLICABLE POLICY**

30. Nil.

#### **STAKEHOLDER ENGAGEMENT**

31. No public consultation has been undertaken by the DPLH in relation to the identification of the subject site for possible transfer under the Settlement.

32. The City has been asked for comment within a short timeframe and is providing as much information as possible to assist with the request in the allocated time period.

**FINANCIAL CONSIDERATIONS**

33. The site is currently non-rateable.

**SUSTAINABILITY**

34. The City has identified environmental values on the subject site.
35. A use of the site consistent with the retention, protection and management of the site’s environmental values is preferred.

**RISK MANAGEMENT**

| 36.  | <p><b>Risk:</b> Reputational damage to the City due to the transfer of a site perceived by the community to constitute a form of pseudo-public open space, noting that there has been no opportunity for community consultation.</p>  |             |            |        |             |        |      |                        |  |  |  |  |  |
|--|---|-------------|------------|--------|-------------|--------|------|------------------------|--|--|--|--|--|
|  | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 2px;">Consequence</th> <th style="text-align: left; padding: 2px;">Likelihood</th> <th style="text-align: left; padding: 2px;">Rating</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Significant</td> <td style="padding: 2px;">Likely</td> <td style="padding: 2px;">High</td> </tr> <tr> <td colspan="3" style="padding: 2px;"><b>Action/Strategy</b></td> </tr> <tr> <td colspan="3" style="padding: 2px;">Council to note the request and advise the DPLH of constraints and community values associated with the site for the DPLH’s further consideration.</td> </tr> </tbody> </table> | Consequence | Likelihood | Rating | Significant | Likely | High | <b>Action/Strategy</b> |  |  | Council to note the request and advise the DPLH of constraints and community values associated with the site for the DPLH’s further consideration. |  |  |
| Consequence  | Likelihood  | Rating      |            |        |             |        |      |                        |  |  |  |  |  |
| Significant  | Likely  | High        |            |        |             |        |      |                        |  |  |  |  |  |
| <b>Action/Strategy</b>   |   |             |            |        |             |        |      |                        |  |  |  |  |  |
| Council to note the request and advise the DPLH of constraints and community values associated with the site for the DPLH’s further consideration. |   |             |            |        |             |        |      |                        |  |  |  |  |  |

**CONCLUSION**

37. It is recommended that Council:
- a) note the request for information on the proposed transfer of the subject site to the Noongar People;
  - b) advise the DPLH of constraints and community values associated with the site for the DPLH’s further consideration; and
  - c) advise the DPLH that the City requires the excision and dedication of a portion of the site as road for the purposes of providing a truncation.

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. NOTE the request for information on Reserve 6637, Lot 441 (1240) Canning Road, Canning Mills from the Department of Planning, Lands & Heritage.
2. ADVISE the Department of Planning, Lands & Heritage that if it proceeds with the proposed transfer of Reserve 6637:
  - a) the City of Kalamunda requires the excision and dedication of a portion of the subject site as road to provide for a truncation (minimum 14 metres); and
  - b) Tree clearing and maintenance near or inside the subject site may be required for safe sight lines.
3. REQUEST the Department of Planning, Lands & Heritage ensure the Noongar People are made aware of the following potential constraints to the possible future development and/or use of the subject site:
  - a) The subject site is considered to contain values that contribute towards the amenity of City of Kalamunda residents;
  - b) The vegetation on the subject site appears to be established native vegetation and likely contains habitat for threatened fauna, such as black cockatoos and chuditch. The site may be perceived by the community to constitute a form of pseudo-public open space;
  - c) The City of Kalamunda has identified potential environmental values on the subject site;
  - d) The clearing of the subject site for development purposes would not be consistent with the objectives of the City of Kalamunda's Urban Forest Strategy and Local Biodiversity Strategy. However, given the substantial vegetation and habitat in the surrounding area, development of the site would be unlikely to result in a significant environmental impact. A use of the site consistent with the retention, protection and management of the site's environmental values is preferred;
  - e) Any proposed use or development may be subject to community consultation and Council determination; and
  - f) The City of Kalamunda has a preference to have the site reserved to Parks and Recreation under the Metropolitan Region Scheme.



4. NOTE the proposed responses to be provided to the Department of Planning, Lands & Heritage questions about the subject site, which are contained in the attached table (Attachment 1).

**10.5. Office of the CEO Reports**

No reports presented.

**11. Closure**